

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

---

IN THE MATTER OF  
THE APPLICATION FOR A LICENSE OF

MICHAEL P. BYRNE, M.D.,

Applicant

---

ORDER GRANTING PETITION

---

On February 26, 1991, Dr. Byrne filed his application for a license and for a temporary educational permit to practice medicine and surgery in the State of Wisconsin. Dr. Byrne indicated on his application that on November 11, 1982, he was sentenced to three years in prison for importing marijuana into the United States aboard a yacht captained by him. Based on that disclosure, and upon other information provided by Dr. Byrne, the board denied Dr. Byrne's application by its Order dated June 6, 1991. Following a suit brought by Dr. Byrne in Dane County Circuit Court, the board permitted Dr. Byrne to sit for the FLEX examination, and granted a temporary educational permit to complete a family practice residency program at Waukesha Memorial Hospital, Waukesha, Wisconsin.

By letter dated April 13, 1992, Dr. Byrne requested an appearance before the board in support of his application for a license. He appeared on May 21, 1992, and the board considered the matter on that date. The board and Dr. Byrne thereafter entered into a Stipulation by which the board agreed to issue and Dr. Byrne agreed to accept a limited license to practice medicine and surgery in Wisconsin. Among the limitations on the license was that Dr. Byrne was prohibited from applying for or holding a DEA registration.

By letter dated November 5, 1992, Dr. Byrne petitioned the board to permit him to hold a DEA registration in order to permit him to be accepted into the third year of his family practice residency program at the Medical College of Wisconsin. The petition was supported by Richard B. Lewan, M.D., Program Director. The board considered the request at its meeting of December 16, 1992, and granted the request by its Order dated December 22, 1992.

Pursuant to the board's Order, Dr. Byrne appeared before the board at its meeting of March 25, 1993. At that time, Dr. Byrne requested that the provision of the board's Order restricting his practice exclusively to participation in the Medical College of Wisconsin Waukesha Family Practice Residency Program be modified to permit him to

Michael P. Byrne, M.D.

Page 2

work in an E.R. setting outside of the program. The board considered Dr. Byrne's request on that date.

Based upon the petition, and all other information of record herein, the board orders as follows:

NOW, THEREFORE, IT IS ORDERED that the terms and conditions of the limited license granted to Michael P Byrne, M.D., on May 28, 1992, are hereby modified to read as follows:

1. The term of the license shall be for one year, effective July 1, 1992. Dr. Byrne shall appear before the board in support of any request for renewal of the license.
2. Dr. Byrne's practice shall be restricted to participation in the Medical College of Wisconsin Waukesha Family Practice Residency Program.
3. Dr. Byrne may apply for and hold a DEA registration for the duration of his participation in the program. In the event Dr. Byrne is released from the program prior to completion, he shall immediately surrender the registration. Should Dr. Byrne complete the family practice residency program, he shall surrender the registration unless the board grants his petition to permit him to continue his registration.
4. Notwithstanding paragraph #2, above, Dr. Byrne may practice in an emergency room setting if he is granted a DEA registration, and if Dr. Richard B. Lewan, Director of Dr. Byrne's residency program, recommends in writing that Dr. Byrne be permitted to practice outside of the residency program in an E.R. setting. A copy of Dr. Lewan's written recommendation shall be filed with the board.
5. Violation of the terms and conditions of this Order shall constitute grounds for revocation of the limited license.

Dated this 12 day of April, 1993.

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

by   
Clark O. Olsen, M.D., Secretary